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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,693	11/08/2001	Friedhelm Steinhilber	0560662024	9624

7590 04/07/2004
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EXAMINER

WONG, KIN C

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 04/07/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,693

Applicant(s)

STEINHILBER

Examiner

K. Wong

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims (1-4, 7-10, 11-13 and 16-21) are rejected under 35 U.S.C. 102(b) as being anticipated by Tomita et al (5148332).

Regarding claim 1: Tomita et al discloses an automatic library for cartridges of data storage tapes (as depicted in figures 1 and 2 of Tomita et al), including:

a drive (as depicted in figures 14 and 15 and see associated description for details) for cartridges having the form of a flat right parallelepiped having a flat side, the drive having a cartridge pocket adapted to receive the cartridges; and

a magazine (see element 32 in figure 15), the magazine comprising one or more receivers for the cartridges, the receivers being adapted to revolve on a closed path of revolution about the drive, the path of revolution being substantially in a plane,

wherein the cartridge pocket of the drive and the receivers of the magazine are disposed such that the magazine is positionable with one of the receivers being aligned with the cartridge pocket along an insertion axis for transfer of a cartridge (see depiction of figure 25 and the associated description for details), and

wherein the cartridges are adapted to be disposed in the receivers of the magazine and in the cartridge pocket of the drive with the flat side lying flat in the plane

of the path of revolution (see depiction in figure 15 and the associated description for details).

Regarding claim 2; Tomita et al teaches that wherein the path of revolution is a circular path (in col. 7, lines 39-54 of Tomita et al).

Regarding claim 3: Tomita et al teaches that wherein the magazine further comprises a circularly revolving plate (turntable – in col. 7, lines 39-54 of Tomita et al).

Regarding claim 4: Tomita et al depicts in figure 2 that wherein the receivers comprise catches, the plate being adapted to engage with the catches into the path of revolution of the magazine, and the catches being adapted to engage a cartridge (see associated description for details).

Regarding claim 7: Tomita et al depicts in figure 27 that wherein when one of the receivers of the magazine is aligned with the cartridge pocket, a radially outer side of the receiver is aligned with a port of a housing (see associated description for details).

Regarding claim 8: Tomita et al depicts in figures 35 and 36 that wherein the receivers of the magazine comprise carriers adapted to contain cartridges, said carriers being adapted to be moved on the path of revolution by a continuously revolving driving means (see associated description for details).

Regarding claim 9: Tomita et al discloses in background that wherein the continuously revolving driving means comprises a toothed belt running over deflection wheels (element 10 in figure 38 and col. 1, lines 27-32 of Tomita et al).

Regarding claim 10: Tomita et al depicts in figure 29 that wherein the carriers are guided on their underside in a guide defining the path of revolution (see the associated description for details).

Regarding claims 11-13 and 16-19: method claims (11-13 and 16-19) are drawn to the method of using the corresponding apparatus claimed in claims (1-4 and 7-10). Therefore method claims (11-13 and 16-19) correspond to apparatus claims (1-4 and 16-19) and are rejected for the same reasons of anticipation as used above.

Regarding claim 20: Tomita et al discloses an automatic library for cartridges of data storage tapes (as depicted in figures 1 and 2 of Tomita et al), including:

- a drive (as depicted in figure 14 and 15) for cartridges having a cartridge pocket adapted to receive a cartridge, the cartridge having a flat side; and

- a magazine (see element 32 in figure 15) including one or more receivers for holding the cartridges, the receivers being adapted to revolve on a closed path of revolution about the drive, the path of revolution being substantially in a plane of revolution;

- wherein each of the receivers is capable of being aligned with the cartridge pocket along an insertion axis for transfer of a cartridge between the receiver and the cartridge pocket (see figure 25), and

- wherein each of the receivers and the drive are adapted to receive a cartridge with the flat side lying flat in a plane substantially parallel to the plane of revolution (see figure 15).

Regarding claim 21: Tomita et al discloses an automatic library for cartridges of data storage tapes (see figures 1 and 2), including:

a drive (see figures 14 and 15) means for accessing cartridges, the drive means having a cartridge pocket adapted to receive a cartridge, the cartridge having a flat side;

a means (see element 32 in figure 15) for holding cartridges outside the cartridge pocket;

a means (see figures 23-25) for driving said means for holding on a closed path of revolution about the drive, the path of revolution being substantially in a plane of revolution, means for transferring a cartridge between the holding means and the cartridge pocket with the flat side lying flat in a plane substantially parallel to the plane of revolution.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims (5-6 and 14-16) are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita et al (5148332) in view of Uemura (3807741).

Regarding claims 5-6 and 14-16: the reasons for Tomita et al are stated in above rejections. However, Tomita et al fails to mention a non-circular revolution path in a library. Uemura is relied upon for the teachings of the non-circular revolution path in the library (see figures 9 and 10, and, col. 9, line 46 to col. 10, line 47 of Uemura).

Art Unit: 2651

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the revolution path of Tomita et al to a non-circular path as taught by Uemura. The rationale is as follows: one of ordinary skill in the art would have been motivated to provide more compacted cassette (cartridge) loading capacity in a library or exchanger as suggested in col. 1, lines 25-29 of Uemura.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Claims 20 and 21 could be read on Osborne et al (3127178), Karnopp (3604713), Timm (4484239), Bolick, Jr. (4519009) but not used in this office action because amount other things. Starr (3872506), Chambers (4361858), Schatteman et al (4384310), Nakazawa et al (4901172), Suzuki et al (4910619), Ito (5539594) are cited for library with circular rotating path.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Wong whose telephone number is (703) 305-7772.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Hudspeth can be reached on (703) 308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

kw

2 Apr 04



DAVID HUDSPETH
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